

**AN ORDINANCE
BY FINANCE/ EXECUTIVE COMMITTEE**

07- 0 -1367

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED CONVEYING THE CITY OF ATLANTA'S INTEREST IN A TAX DEED ON PROPERTY LOCATED AT THE REAR OF 186 ROGERS STREET, TAX ID # 15-211C-04-024 IN LAND LOT 211 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, FOR THE CONSIDERATION OF ONE DOLLAR (\$1.00), TO THE WAREHOUSE PARTNERSHIP, L.P., AS THEY HAVE PAID SAID PROPERTY'S AD VALOREM TAXES OVER THE YEARS AND HAVE OBTAINED TITLE TO ALL PROPERTY INTERESTS EXCEPT THE CITY OF ATLANTA'S IN A REGISTRATION FOR LAND ACTION IN DEKALB COUNTY, GEORGIA SUPERIOR COURT; AND FOR OTHER PURPOSES.

WHEREAS, the Warehouse Partnership, L.P., ("the Partnership") has acquired property to the rear of 186 Rogers Street, Dekalb County, Tax ID# 15-211C-04-024 in land lot 211 of the 15th District of Dekalb County, Georgia, ("the Property"), except for the City of Atlanta's interest in the Property, by virtue of a Registration for Land action in Dekalb County Georgia Superior Court; and

WHEREAS, the City of Atlanta acquired an ownership interest in the Property by virtue of a tax deed dated July 3, 1962, recorded on June 30, 1965 at deed book 2000, page 791, Dekalb County, Georgia, Records, and again by a tax deed from the Sheriff of Dekalb County, dated July 6, 1965, recorded on January 17, 1967 at deed book 2163, page 460; and

WHEREAS, the Partnership and its predecessors in title have paid ad valorem property taxes assessed against the Property every year since 1966 to the City of Atlanta and to Dekalb County; and

WHEREAS, such collection of taxes is inconsistent with the City of Atlanta's ownership of the Property; and

WHEREAS, the Property is vacant and non-revenue generating at this time.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That the Mayor is authorized to execute a quitclaim deed conveying the City's interest in property located at the rear of 186 Rogers Street, Dekalb County, Georgia, Tax ID# 15-211C-04-024, as more particularly described as Exhibit "A" attached hereto, to the Warehouse Partnership, L.P. for the consideration of One Dollar (\$1.00).

SECTION 2: That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate,

maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

SECTION 3: That the deed conveying said property shall contain the following disclaimer:

“TITLE TO THE PROPERTY CONVEYED BY THIS QUITCLAIM DEED HAS BEEN ACQUIRED BY THE CITY OF ATLANTA PURSUANT TO A TAX AND/ OR MARSHALL’S DEED. GRANTEEES WILL ACQUIRE ONLY SUCH INTEREST AND QUALITY TO TITLE AS THE CITY POSSESSES AND NO WARRANTIES OF TITLE ARE GIVEN OR EXPRESSED BY CITY WITH REGARD TO SAID PROPERTY.”

SECTION 4: That all Ordinances and parts of Ordinances in conflict with this Ordinance are hereby waived to the extent of the conflict.

EXHIBIT A

“ALL THAT TRACT or parcel of land lying and being located in Land Lot 211 of the 15th District of Dekalb County, Georgia, being more particularly described as follows:

To find the point of beginning, commence at a point where the West side of Rogers Street intersects the South side of Fir Street; running thence westerly along the South side of Fir Street 175 feet to an iron pin located on the South side of Fir Street and the POINT OF BEGINNING; thence continuing westerly along the South side of Fir Street North 89 degrees 20' 30" West 59.5 feet to a point located on the easterly side of an alley; running thence South 00 degrees 23' 30" West along the easterly side of said alley, 47.7 feet to a point; running thence South 89 degrees 20' 30" East 59.6 feet to an iron pin; running thence North 00 degrees 23' 30" East 47.7 feet to the POINT OF BEGINNING.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Finance/ Executive Committee

Caption: AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED CONVEYING THE CITY OF ATLANTA'S INTEREST IN A TAX DEED ON PROPERTY LOCATED AT THE REAR OF 186 ROGERS STREET, TAX ID # 15-211C-04-024 IN LAND LOT 211 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, FOR THE CONSIDERATION OF ONE DOLLAR (\$1.00), TO THE WAREHOUSE PARTNERSHIP, L.P., AS THEY HAVE PAID SAID PROPERTY'S AD VALOREM TAXES OVER THE YEARS AND HAVE OBTAINED TITLE TO ALL PROPERTY INTERESTS EXCEPT THE CITY OF ATLANTA'S IN A REGISTRATION FOR LAND ACTION IN DEKALB COUNTY, GEORGIA SUPERIOR COURT; AND FOR OTHER PURPOSES.

Council Meeting Date: July 16, 2007

Requesting Dept.: Law Department

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of the legislation is to authorize the execution of a quitclaim deed conveying the City's interest in property located at the rear of 186 Rogers Street, Dekalb County, Georgia, Tax ID# 15-211C-04-024, to the Warehouse Partnership, L.P. for the consideration of One Dollar (\$1.00).

2. Please provide background information regarding this legislation.

The Warehouse Partnership, L.P. has acquired property to the rear of 186 Rogers Street, Dekalb County, except for the City of Atlanta's interest in the Property, by virtue of a Registration for Land action in Dekalb County Georgia Superior Court. The Partnership and its predecessors in title have paid ad valorem property taxes assessed against the Property every year since 1966 to the City of Atlanta and to Dekalb County.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** N/A

(b) **Source Selection:** N/A

(c) **Bids/Proposals Due:** N/A

- (d) **Invitations Issued:** N/A
- (e) **Number of Bids:** N/A
- (f) **Proposals Received:** N/A
- (g) **Bidders/Proponents:** N/A
- (h) **Term of Contract:** N/A

4. Fund Account Center:

5. Source of Funds:

6. Fiscal Impact: N/A

7. Method of Cost Recovery: N/A

This Legislative Request Form Was Prepared By: Bill Castings

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Simone D. Brathwaite



Contact Number: x 6310

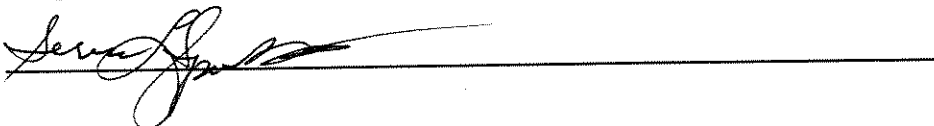
Originating Department: Department of Law

Committee(s) of Purview: Finance/ Executive Committee

Council Deadline: June 25, 2007

Committee Meeting Date(s): July 10-11, 2007 Full Council Date: July 16, 2007.

Commissioner Signature



CAPTION

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED CONVEYING THE CITY OF ATLANTA'S INTEREST IN A TAX DEED ON PROPERTY LOCATED AT THE REAR OF 186 ROGERS STREET, TAX ID # 15-211C-04-024 IN LAND LOT 211 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, FOR THE CONSIDERATION OF ONE DOLLAR (\$1.00), TO THE WAREHOUSE PARTNERSHIP, L.P., AS THEY HAVE PAID SAID PROPERTY'S AD VALOREM TAXES OVER THE YEARS AND HAVE OBTAINED TITLE TO ALL PROPERTY INTERESTS EXCEPT THE CITY OF ATLANTA'S IN A REGISTRATION FOR LAND ACTION IN DEKALB COUNTY, GEORGIA SUPERIOR COURT; AND FOR OTHER PURPOSES.

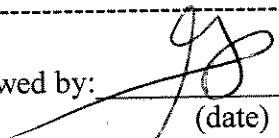
FINANCIAL IMPACT:

Mayor's Staff Only

Received by Mayor's Office:

6.26.07
(date)

Reviewed by:


(date)

Submitted to Council:

(date)